

REMARKS

In the final Office Action mailed March 25, 2005, the Examiner noted that claims 1-13 were pending, and rejected all claims by incorporation by reference of the prior Action. Claims 1-13 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections and objections are traversed below.

In the Action the Examiner objected to the Amendment to the claims and required that the Amendment be canceled for adding new matter. The Examiner alleges, on page 2, that "the specification does not mention or disclose at all that a user does not create the electronic mail message." This requirement is traversed.

The Examiner is requested to review paragraphs 10 and 11 of the present application where it is stated that a virus can compose and send e-mail without a user being aware of the transmission of such unauthorized e-mail. A virus is defined as: virus - 4 : a computer program usually hidden within another seemingly innocuous program that produces copies of itself and inserts them into other programs and that usually performs a malicious action (as destroying data) – (see Merriam-Webster Online Dictionary copyright © 2005 by Merriam-Webster, Incorporated). A virus is clearly something that is not the user. A message created by a virus is a mail message not created by a user. The Examiner is also requested to note original claims 2, 3 and 5 filed with this continuation application which state that an unauthorized agent can be a virus, a trojan horse and an agent other than an owner of a mail client source of the message. A trojan horse is defined as: Trojan horse 2 : a seemingly useful computer program that contains concealed instructions which when activated perform an illicit or malicious action (as destroying data files); also : the concealed instructions of such a program (see Merriam-Webster Online Dictionary copyright © 2005 by Merriam-Webster, Incorporated). A trojan horse is also clearly something that is not the user. A message created by a trojan horse is a mail message not created by a user. The Examiner is also requested to see the parent application 09/337035, which has been incorporated into this application by reference, particularly at page 3 and claims 6 and 14. The Examiner is also requested to see the parent patent no. 6,671,718 at col. 1, line 65 thru col. 2, line 3 and issued claims 6 and 13 which note that mail can be sent by a virus and that the mail is sent by an "an unauthorized agent". An unauthorized agent, such as a virus, creates a mail message not created by a user of the mail system user since users are authorized. It is submitted that the claim limitations added via amendment emphasizing that the

user does not create the mail is supported by the specification and the claim limitations are not new matter.

Withdrawal of the objection and requirement are is requested.

With respect to the are rejection from the prior Action incorporated into the current action, the applicant incorporates the argument filed on or about December 12, 2004 hereinto by reference.

It is submitted that the claims satisfy the requirements of the statutes. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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